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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gerardo NIEBLAS-Leon,

Defendant

Magistrate Docket No.

08 MJ 2155

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

FILED
08 JUL 15 AM 10:05


CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **July 14, 2008** within the Southern District of California, defendant, **Gerardo NIEBLAS-Leon**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th** DAY OF **JULY 2008**



Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Gerardo NIEBLAS-Leon****PROBABLE CAUSE STATEMENT**

On July 14, 2008 Border Patrol Agent W. Bowes was performing assigned duties in the Brown Field Border Patrol Station's area of responsibility. At approximately 8:40 a.m., Agent Bowes responded to a seismic sensor activation Northwest of the Tecate, California Port of Entry.

Upon arriving in the area, Agent Bowes observed two individuals attempting to hide behind some bushes. Agent Bowes approached the two individuals including one later identified as defendant **Gerardo NIEBLAS-Leon**, and identified himself as a United States Border Patrol Agent. Agent Bowes then questioned each individual to determine his citizenship and immigration status. When asked where he was born and of what country he was a national, NIEBLAS-Leon stated "Mexico." When asked if he possessed any valid United States immigration documents allowing him to enter into or remain within the United States legally, NIEBLAS-Leon stated "no." Agent Bowes arrested NIEBLAS-Leon and had him transported to the Brown Field Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **March 17, 2003 through Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.